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LEGISLATIVE AND OVERSIGHT ACTIVITIES DURING THE
108TH CONGRESS BY THE SENATE COMMITTEE ON
VETERANS' AFFAIRS

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Mr. CRAIG, from the Committee on Veterans' Affairs,
submitted the following

R E P O R T

Pursuant to paragraph 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs ("Committee") hereby reports on its legislative and oversight activities during the 108th Congress.

I. HEARINGS AND MEETINGS

A. FIRST SESSION

During the First Session of the 108th Congress, the Committee held 17 days of hearings on legislative and oversight matters, on nominations to serve in the Department of Veterans Affairs ("VA") and the U.S. Court of Appeals for Veterans' Claims, and on the legislative recommendations of veterans service organizations ("VSOs").

The Committee held one day of hearings on the Administration's proposed fiscal year 2004 budget for veterans' programs (on February 26, 2003); three days of hearings in 2003 on nominations to various positions within VA and to judgeships on the U.S. Court of Appeals for Veterans' Claims (on March 3, June 17, and October 30); one day of hearings on pending legislation relating to VA healthcare programs (on June 24, 2003); one day of hearings on pending legislation relating to VA's non-healthcare-related benefits programs (on July 10, 2003); one day of hearings on a special presentation by the National Commander of The American Legion (on July 15, 2003); one day of hearings on Department of the Army standards for awarding the Combat Medical Badge (on July 29, 2003); one day of hearings on a VA assessment of current capital assets and future capital assets needs known as the "Capital Asset Realignment for Enhanced Services" or "CARES" process (on Sep-

tember 11, 2003); one day of hearings on the legal standard for VA determinations that a disability is “service-connected” (on September 23, 2003); and six days of hearings in 2003, jointly with the Committee on Veterans’ Affairs of the House of Representatives, on the legislative recommendations of the VSOs (on February 25, March 6, March 12, March 13, March 20, and September 16). In addition, the Committee held one field hearing (on May 19, 2003) on the need for a veterans’ cemetery in southeastern Pennsylvania.

During the First Session of the 108th Congress, the Committee held five business meetings, to select the Chairman of the Committee (on January 7, 2003); to adopt a Committee budget and to approve Committee rules for the 108th Congress (on February 11, 2003); to consider nominations (on April 10, 2003, and November 21, 2003); and to mark up pending legislation (on September 30, 2003).

B. SECOND SESSION

During the Second Session of the 108th Congress, the Committee held 16 days of hearings on legislative and oversight matters, on nominations to serve in the Department of Veterans Affairs and the U.S. Court of Appeals for Veterans’ Claims, and on the legislative recommendations of the VSOs.

The Committee held one day of hearings on the Administration’s proposed fiscal year 2005 budget for veterans’ programs (on February 10, 2004); one day of hearings on VA’s CARES process (on March 2, 2004); one day of hearings on S. 1509, the proposed “Eric and Brian Simon Act of 2003” (on March 9, 2004); two days of hearings in 2004 on nominations to various positions within VA and to judgeships on the U.S. Court of Appeals for Veterans’ Claims (on April 1 and September 29); one day of hearings on pending legislation (on June 22, 2004); and six days of hearings in 2004 on the legislative recommendations of the VSOs (on February 24, March 4, March 10, March 18, March 25, and September 21). In addition, the Committee held three field hearings in 2004 (on March 16, March 26, and April 12) on VA’s CARES process; and one field hearing on the state of health care services provided by the VA Medical Center in Bay Pines, Florida (on March 22, 2004).

During the Second Session of the 108th Congress, the Committee held three business meetings, to consider nominations (on May 20, 2003, and October 6, 2004), and to mark up pending legislation (on July 20, 2004).

II. LEGISLATION

A. FIRST SESSION

During the First Session of the 108th Congress, the Committee met in open session one time (on September 30, 2003), to consider legislation, and it reported to the Senate five bills which, in turn, incorporated provisions derived from 23 separate bills. Those bills were the following:

1. S. 1131 (Report No. 108–163), a bill to increase, effective December 1, 2003, the rates of compensation for veterans with service-connected disabilities and other “cash transfer” benefits by the same percentage as Social Security benefits increase using a De-

partment of Labor-calculated estimate of the consumer price index increase during the period October 2002–September 2003.

2. Committee Print of S. 1132 (Report No. 108–169), a bill to amend Title 38, United States Code, to improve and enhance certain benefits for survivors of veterans, and for other purposes, as amended, to incorporate the following provisions:

Title I—Survivors’ Benefits

A. Benefits for the spina bifida children of veterans who served in the demilitarized zone in South Korea (Section 101, derived from S. 1132);

B. Allowance for the naming of alternate beneficiaries for life insurance proceeds (Section 102, derived from S. 1133);

C. Extension of eligibility period for the survivors of National Guard members for educational assistance benefits (Section 103, derived from S. 1133);

D. Increase in survivors’ educational assistance benefits (Section 104, derived from S. 1132); and

E. Repeal of a two-year limit on the awarding of accrued benefits retroactively (Section 105, derived from S. 1188).

Title II—Burial Benefits

A. Allowance of State cemeteries’ receipt of a veteran’s burial plot allowance (Section 201, derived from S. 1133);

B. Remarried spouse eligibility for national cemetery burial benefits (Section 202, derived from S. 1133);

C. Permanent authority for VA to make State Cemetery grants (Section 203, derived from S. 1133); and

D. Allowance of VA-supplied markers for veterans’ graves in non-VA cemeteries (Section 204, derived from S. 1133).

Title III—Other Benefits

A. Extension of “round down” of compensation cost-of-living (“COLA”) increases (Section 301, original provision);

B. Elimination of minimum internment threshold for eligibility for certain presumptions of service connection extended to former prisoners of war (“POWs”); and addition of cirrhosis of the liver to the statutory listing of diseases presumed to be service-connected when contracted by former POWs (Section 302, derived from S. 517 and S. 1281);

C. Repeal of minimum internment threshold for POW eligibility for dental treatment benefits for former POWs (Section 303, derived from S. 517 and S. 1239);

D. “Round down” of COLA increases in education benefits (Section 304, original provision);

E. Termination of VA’s education loan program (Section 305, derived from S. 1133);

F. Termination of VA’s manufactured housing loan program (Section 306, original provision);

G. Increase in “subsequent use” home loan fees (Section 307, original provision);

H. Reinstatement of VA’s “vendee loan program” (by which VA finances the purchase of properties in VA’s possession as a consequence of foreclosure on loans guaranteed by VA) (Section 308, original provision);

I. Removal of the cap on the size of home loans made under VA's Native American Home Loan program (Section 309, original provision);

J. Imposition of a time limitation for filing VA-requested claims information (Section 310, derived from S. 1133);

K. Prohibition on agreements assigning certain veterans' benefits (Section 311, derived from S. 257);

L. Extension of VA authority to access tax return records to verify eligibility for VA "means-tested" benefits (Section 312, original provision);

M. Requirement that veterans' benefits be forfeited upon the conviction of certain offenses relating to subversive activities (Section 313, derived from S. 1133);

N. Clarification of requirements for filing a valid "Notice of Disagreement" to appeal a VA decision on eligibility for benefits (Section 314, derived from S. 1360);

O. Increase in certain benefits to Filipino veterans residing in the U.S. (Sections 321–322, derived from S. 1213);

P. Extension of authority for VA to operate a regional office in Manila, the Philippines (Section 323, derived from S. 1213);

Q. Provisions relating to Congressional oversight of the radiation dose reconstruction program of the Department of Defense ("DOD") (Section 331, derived from S. 1281);

R. Requirement that a study be conducted on disposition of data derived on the health status of certain Vietnam veterans exposed to dioxin (Section 332, derived from S. 1281);

S. Authorization of funding for the Institute of Medicine's Medical Follow-up Agency ("MFUA") (Section 333, derived from S. 1281);

T. Extension of the VA Advisory Committee on Minority Veterans (Section 341, original provision);

U. Extension of the VA Advisory Committee on Education (Section 342, derived from S. 1133);

V. Authorization for VA regional offices to contract for medical examinations performed by non-VA physicians (Section 343, derived from S. 1156); and

W. Technical Amendment relating to references to Department of Homeland Defense (Section 344, original provision).

3. Committee Print of S. 1136 (Report No. 108–197), a bill to restate, clarify and revise the Soldiers and Sailors Civil Relief Act of 1940, as amended ("the Act"), as follows:

Title I—General Provisions

A. Definition of terms and administrative provisions (sections 101, 102, 109);

B. Protection of persons (*e.g.*, sureties, guarantors, endorsers, or comakers) who might be secondarily liable for a service member's obligations by, among other things, extending to them the protections of the Act (section 103);

C. Extension of protections of the Act to U.S. citizens in service in the armed forces of allies of the United States (section 104);

D. Requirement that the armed services provide written notice to their members, and to persons entering service, of their rights under the Act (section 105);

E. Extension of protections under the Act to members of reserve components ordered to service, and to individuals who have been drafted into service (section 106);

F. Authorization for service members to waive rights under the Act so long as the waiver is in writing (section 107);

G. Provision specifying that requests for protection under the Act will not be the basis for adverse credit reports or denials of credit or insurance (section 108); and

H. Definition of who might be a service member's legal representative for purposes of enforcing rights under the Act (section 109).

Title II—General Relief

A. Requirement that the courts, in actions in which the defendant is in service and does not make an appearance, grant stays of proceedings, judgments, attachments, etc. (sections 201, 202, 204, 205, 206), and that there be no penalties for failure to carry out the terms of a contract during the period of a stay (section 203); and

B. Imposition of a limitation of 6 percent on annual interest rates charged on obligations incurred by a service member, or jointly by a service member and his or her spouse, before the service member's entry into service (section 207).

Title III—Rent, Installment Contracts, Mortgages, Liens, Assignment, Leases

A. Protections afforded to service members, and their dependents, from eviction (sections 301, 305);

B. Protections against actions for a service member's breach of contract for the purchase or lease of real or personal property (section 302);

C. Protections against foreclosure on a mortgage (or deed of trust) when the service member's ability to comply with the obligation has been materially affected by service (sections 303, 304);

D. Prohibition of enforcement of storage liens against service members (section 307); and

E. Extension of statutory protections to service members' dependents (section 308).

Title IV—Life Insurance

A. Requirement that service members' life insurance policies purchased before service remain in force during service (sections 306, 401–409).

Title V—Taxes and Public Lands

A. Specification of rights of service members relating to actions to enforce tax liabilities (sections 501, 510–511); and

B. Specification of rights of service members relating to public lands (sections 502–509).

Title VI—Administrative Remedies

A. Provisions relating to administrative remedies (sections 601–603).

Title VII—Further Relief

A. Allowance of actions for anticipatory relief (section 701);

B. Provisions relating to service members' powers of attorney (section 702);

C. Provisions relating to the suspension and reinstatement of a service member's professional liability and health insurance policies (sections 703–704);

D. Guarantees of residency for military personnel for purposes of voting (section 705);

E. Protection of service members' personal assets from attachment to satisfy business-related obligations or liabilities (section 706); and

F. Reenrollment rights at institutions of higher education (section 707).

4. Committee Print of S. 1156 (Report No. 108–193), a bill to amend Title 38, United States Code, to improve and enhance the provision of long-term health care for veterans by the Department of Veterans Affairs, to enhance and improve authorities relating to personnel administration by the Department of Veterans Affairs, and for other purposes, as amended, to incorporate the following provisions:

Title I—Extension and Modification of Certain Health Care Authorities

A. Extension of authorities relating to the provision of long-term care services by VA (Section 101, derived from S. 1156);

B. Provisions relating to VA agreements for the provision of long-term care services by contractors (Section 102, derived from S. 1156);

C. Expansion of an assisted living service pilot program administered by VA (Section 103, derived from S. 1572); and

D. Improvements to VA's specialized mental health treatment programs (Section 104, derived from S. 548).

Title II—Construction and Facilities Matters

A. Increase in the dollar amount threshold designating when a proposed medical facility construction project will be deemed to be a “major” project (and which will be barred absent a specific statutory authorization) (Section 201, original provision);

B. Provisions relating to the demolition of obsolete, dilapidated and hazardous VA structures (Section 202, original provision);

C. Authorization of major medical facility projects (Section 211, derived from S. 1156);

D. Authorization of major medical facility leases (Section 212, original provision);

E. Authorization of appropriations for major medical facility projects and leases (Section 213, derived from S. 1156);

F. Naming of a VA clinic in Horsham, PA (Section 221, derived from S. 615);

G. Naming of a VA medical center in Chicago, IL (Section 222, derived from S. 1144);

H. Naming of a VA medical center in Houston, TX (Section 223, derived from S. 1341); and

I. Naming of a VA medical center in Minneapolis, MN (Section 224, derived from S. 1289).

Title III—Personnel Matters

A. Addition of kinesiologists and social workers to the statutory listing of healthcare professionals eligible for VA employment under title 38, United States Code (Section 301, derived from S. 1156);

B. Authority for employees of VA's Veterans Canteen Service to compete for VA employment on same basis as VA employees (Section 302, derived from S. 1156);

C. Provisions relating to retirement annuities for certain part-time VA health care professionals (Section 303, derived from S. 1156); and

D. Provisions relating to the terms of appointments in the Office of the Under Secretary for Health (Section 304, original provision).

Title IV—Other Matters

A. Requirement of advance notification to the Congress of certain CARES initiatives (Section 401, derived from S. 1283);

B. Authorization of CARES major construction projects (Section 402, original provision); and

C. Provision extending eligibility for VA health care services to certain Filipinos residing in the U.S. (Section 411, derived from S. 1213).

5. Committee Print of H.R. 1516 (Report No. 108–164), a bill to mandate the establishment of new VA cemeteries at or near the following locations:

A. Philadelphia, Pennsylvania;

B. Birmingham, Alabama;

C. Jacksonville, Florida;

D. Bakersfield, California;

E. Greenville/Columbia, South Carolina; and

F. Sarasota, Florida.

The subject matter of each of the above-listed reported bills became, or was incorporated into, the below-listed public laws adopted during the First Session of the 108th Congress.

1. “The Veterans” Compensation Cost-of-Living Adjustment Act of 2003” (Public Law 108–147, December 3, 2003). A House-passed bill, H.R. 1683, which was substantially identical to S. 1131, summarized above, was received in the Senate and referred to the Committee on May 22, 2003. On November 21, 2003, that bill was discharged from the Committee and was approved by the unanimous consent of the Senate without amendment, thereby clearing the measure for the President. The President signed the measure on December 3, 2003.

“The Veterans” Compensation Cost-of-Living Adjustment Act of 2003” provides for a cost-of-living increase, computed by reference to a Department of Labor-calculated estimate of the consumer price index increase during October 2002–September 2003, in the following VA “cash transfer” benefits, effective December 1, 2003:

A. Compensation for veterans with service-connected disabilities (38 U.S.C. § 1114);

B. Additional compensation for veterans with at least a 30 percent rating of disability (38 U.S.C. § 1115(1));

C. Clothing allowance for veterans with a skin condition or who use a prosthetic or orthopedic device due to a service-connected disability (38 U.S.C. § 1162); and

4. Dependency and indemnity compensation paid to the surviving spouse and children of veterans who die in service or who die from a service-connected disabilities (38 U.S.C. §§ 1311, 1313 and 1314).

2. “The Veterans Benefits Act of 2003” (Public Law 108–183, December 16, 2003). A House-passed bill, H.R. 2297, which was related in policy content to S. 1132, summarized above, was received by the Senate and referred to the Committee on October 14, 2003. On November 19, 2003, H.R. 2297 was discharged from the Committee and was approved by the Senate by unanimous consent as amended to incorporate a substitute (summarized below) which contained original provisions and provisions derived from H.R. 2297, S. 1132 as reported by the Committee, and from other bills. On November 20, 2003, the House agreed to the Senate amendments to H.R. 2297, thereby clearing the measure for the President. The President signed the measure on December 5, 2003.

“The Veterans Benefits Act of 2003” specifies as follows:

Title I—Survivor Benefits

A. That surviving spouses who have remarried after attaining age 57 would retain dependency and indemnity compensation (“DIC”), home loan, and educational assistance benefits eligibility;

B. That children with spina bifida whose parent, prior to the child being conceived, served in or near the demilitarized zone in Korea during the period January 1, 1967–December 31, 1969, would qualify for compensation, educational assistance, and other benefits in the same manner as children whose parent served in the Republic of Vietnam; and

C. That beneficiaries other than those named by the veteran in life insurance policies under VA’s National Service Life Insurance (“NSLI”) and United States Government Life Insurance (“USGLI”) programs would be paid policy benefits if no claim is made by the named beneficiary.

Title II—Benefits for Former Prisoners of War and for Filipino Veterans

A. That a requirement be repealed that former prisoners of war must have been held for a period of at least 30 days before VA could find that psychosis, anxiety states, dysthymic disorders, organic residuals of frostbite and post-traumatic arthritis are presumptively service-connected;

B. That it be presumed that a former POW’s cirrhosis of the liver is a service-connected disability in cases where the former POW was interned for at least 30 days;

C. That the full amount of compensation and DIC be paid to eligible members of the new Philippine Scouts, and the full amount of DIC be paid to eligible members of the organized military forces of the Commonwealth of the Philippines, including organized guerrilla units, if the individual to whom the benefit is payable resides in the United States and is either a citizen of the U.S. or is an alien lawfully admitted for permanent residence;

D. That new Philippine Scouts who lawfully reside in the United States be extended VA burial benefits and eligibility for burial in national cemeteries; and

E. That VA authority to operate a Regional Office in the Republic of the Philippines be extended.

Title III—Education Benefits, Employment Provisions, and Related Matters

A. That eligibility for VA educational assistance benefits be extended to beneficiaries participating in certain self-employment training programs;

B. That benefits under VA's Survivors' and Dependents' Educational Assistance ("DEA") benefits program be increased by 13.4 percent;

C. That eligibility for VA DEA benefits be extended to the survivors of National Guard members who were involuntarily ordered to full-time duty under title 32, United States Code, after September 11, 2001;

D. That, through September 30, 2013, annual cost-of-living adjustments to veterans', and to survivors' and dependents', educational assistance benefits programs be "rounded down" to the nearest dollar amount;

E. That State approving agencies, for purposes of approving educational programs the participation in which will give rise to VA veterans', and survivors' and dependents', educational assistance program benefits, be authorized to approve non-degree, non-credit entrepreneurship courses offered by the Small Business Development Center ("SBDC") or the National Veterans Business Development Corporation;

F. That an education loan program established under Subchapter III of chapter 36 of title 38, United States Code, be repealed;

G. That the authorization for VA to establish a Veterans' Advisory Committee on Education be extended through December 31, 2009;

H. That Federal agencies be authorized to award sole source contracts, limited in value to \$5 million for manufacturing contracts and \$3 million for non-manufacturing contracts, to small business concerns owned and controlled by service-disabled veterans; and

I. That the Department of Labor place staff in veterans' assistance offices at overseas military installations 90 days after enactment.

Title IV—Housing Benefits and Related Matters

A. That grants for the adaptation or acquisition of suitable housing be paid to certain severely disabled service members;

B. That specially-adapted housing and automobile grants for eligible disabled veterans be increased;

C. That members of the Selected Reserve qualify for VA home loan benefits if they have served for a minimum of six years;

D. That VA's "vendee loan program," by which VA finances the purchase of real property acquired by VA as a consequence of lender foreclosures of VA-guaranteed home loans, be reinstated;

E. That funding fees charged to participants in VA's home loan guarantee program be adjusted and generally be made uniform; and

F. That existing procedures for a liquidation sale of a property acquired by VA as a consequence of a default on a VA-guaranteed home loan be extended from September 30, 2001 through September 30, 2012.

Title V—Burial Benefits

A. That States be eligible to receive a \$300 plot allowance for the interment in State cemeteries of a veteran who did not serve during a wartime period and for the interment of a veteran who died as a result of a service-connected disability and whose survivors sought reimbursement of funeral expenses under section 2307 of title 38, United States Code;

B. That the surviving spouse of a veteran who is buried in a VA national cemetery be eligible for burial despite his or her remarriage after the veteran's death; and

C. That appropriations be authorized, without year limit, for VA to make grants to States to assist them in establishing, expanding, or improving state veterans' cemeteries.

Title VI—Exposure to Hazardous Substances

A. That VA and DOD review and report on the mission, procedures, and administration of the radiation dose reconstruction program administered by the DOD's Defense Threat Reduction Agency;

B. That VA enter into an agreement with the National Academy of Sciences ("NAS") under which NAS will report on the following: the scientific merit of retaining data generated by the Air Force Health Study ("AFHS") to examine the effects of herbicide exposure and health, mortality, and reproductive outcomes of certain Vietnam veterans; obstacles to retaining the AFHS data; the advisability of providing independent oversight of the data; the advisability and prospective costs of extending the study and the identity of an entity which would be suited to continue the study; and the advisability of making laboratory specimens from the study available for independent research; and

C. That joint VA–DOD funding of the Institute of Medicine's Medical Follow-Up Agency be extended for a period of 10 years.

Title VII—Other Matters

A. That time limitations applicable to claimants who are required to submit additional information to complete an application for benefits be modified;

B. That statutory language prohibiting the assignment of VA benefits be clarified;

C. That the requirement that VA establish an Advisory Committee on Minority Veterans be extended through 2009;

D. That authority for VA to carry out a program for the provision of disability examinations by non-VA contract physicians be extended through 2009;

E. That the listing of serious Federal criminal convictions that will give rise to a bar to VA benefits, including burial in a national cemetery, be expanded to include offenses relating to terrorist activities;

F. That the requirement that cost-of-living adjustments made to rates of compensation and dependency and indemnity compensation be "rounded down" to the nearest whole dollar amount be extended through 2013; and

G. That provisions of section 302 of Public Law 103–446 relating to the expeditious treatment by the Board of Veterans' Appeals and by VA regional offices of claims remanded by the Board of Vet-

erans' Appeals or the United States Court of Appeals for Veterans Claims be codified.

3. "The Veterans Health Care, Capital Asset, and Business Improvement Act of 2003" (Public Law 108–170, December 6, 2003). On November 19, 2003, the Senate took up S. 1156, as reported by the Committee, and approved by unanimous consent an amendment in the nature of a substitute which incorporated original provisions and provisions derived from S. 1156, as reported; S. 1815, introduced in the Senate on November 4, 2003; H.R. 2357, as amended, passed by the House on July 21, 2003; H.R. 2433, as amended, passed by the House on September 10, 2003; H.R. 1720, as amended, passed by the House on October 29, 2003; H.R. 3260, introduced in the House on October 8, 2003; and H.R. 3387, introduced in the House on October 29, 2003. Subsequent to also approving an amendment to the bill's title, the Senate approved the bill, as so amended, by unanimous consent on November 19, 2003, and referred the measure to the House. On November 21, 2003, S. 1156, as approved by the Senate, was agreed to by the House of Representatives, thereby clearing the measure for the President. The President signed the bill on December 6, 2003.

"The Veterans Health Care, Capital Asset, and Business Improvement Act of 2003" specifies as follows:

Title I—Health Care Authorities and Related Matters

A. That VA provide outpatient dental care to former POWs irrespective of the number of days they were held captive;

B. That VA exempt former POWs from the requirement to make copayments for outpatient prescription medications;

C. That VA afford higher priority, for purposes determining priority access to health care services, to veterans who participated in certain chemical or biological warfare testing;

D. That VA provide health care services to World War II members of the organized military forces of the Commonwealth of the Philippines and the new Philippine Scouts who are resident in the United States on the same basis that such services are provided to veterans;

E. That VA be authorized to provide therapeutic employment support services to patients in need of rehabilitation for mental health and substance use disorders;

F. That VA authority to enter into contracts for the provision of long-term care services be expanded to facilitate contracts with small, community-based nursing homes and non-institutional extended care providers certified by the Centers for Medicare and Medicaid Services;

G. That VA authority to provide noninstitutional extended care services to enrolled veterans be extended through December 31, 2008;

H. That a VA pilot program on the provision of assisted living services be expanded to include an additional site; and

I. That funding authorized for the provision of certain specialized mental health services by VA be increased from \$15,000,000 to \$25,000,000 per year.

Title II—Construction and Facilities Matters

A. That the threshold for defining a “major” medical facility project be increased from \$4,000,000 to \$7,000,000;

B. That VA authority to enter into enhanced use lease projects, heretofore limited to VA’s Veterans Health Administration, be extended to VA’s Veterans Benefits Administration and VA’s National Cemetery Administration;

C. That a mandated report by VA with respect to its long-range health planning be simplified;

D. That major VA medical facility construction projects be authorized for Lebanon, PA; Beckley, WV; Chicago, IL; San Diego, CA; West Haven, CT; and Pensacola, FL;

E. That major VA medical facility leases be authorized for Charlotte, NC, and Boston, MA;

F. That funding be authorized for advance planning for major VA medical facility construction projects in Columbus, OH; Las Vegas, NV; Pittsburgh, PA; Denver (Aurora), CO; and East Central Florida;

G. That VA be authorized to carry out major medical facility construction projects as might be specified by VA in the future pursuant to its Capital Asset Realignment for Enhanced Services process, subject to a 60-day advance notification to Congress;

H. That VA report on plans for meeting the future hospital care needs of veterans who reside in certain counties of southern New Jersey, far southern Texas, the Florida Panhandle, and north central Washington;

I. That VA conduct a feasibility study on the provision of inpatient, outpatient, and long-term care services to veterans, military personnel, and other beneficiaries who reside in Charleston, SC; and

J. That VA facilities in Prescott, AZ; Chicago, IL; Houston, TX; Salt Lake City, UT; New London, CT; and Horsham, PA, be named after the persons specified.

Title III—Personnel Matters

A. That VA be authorized to employ psychologists, kinesiologists, social workers and chiropractors under the provisions of title 38, United States Code;

B. That VA be authorized to pay premium pay for Saturday tours of duty of certain health care professionals; and

C. That hourly workers of VA’s Veterans Canteen Service be qualified for competitive VA employment appointments as if they were VA employees.

Title IV—Other Matters

A. That there be established in VA an Office of Research Oversight to monitor, review and investigate matters of medical research compliance in VA, including matters relating to the protection of human subjects, research animals, and VA employees participating in VA medical research programs;

B. That employees of nonprofit research corporations affiliated with VA be afforded the protections of the Federal Tort Claims Act;

C. That DOD be authorized to purchase on a reimbursable basis medical equipment, services and supplies through VA’s revolving supply fund;

D. That VA authority to enter into certain agreements for the provision of housing assistance to homeless veterans be extended through December 31, 2008; and

E. That the dates for VA to furnish to Congress certain reports be modified as specified.

4. “The Servicemembers Civil Relief Act” (Public Law 108–189, December 19, 2003). On November 21, 2003, the Senate took up S. 1136 as reported by the Committee and approved by unanimous consent an amendment in the nature of a substitute which made technical amendments to, and excised sections 207(a)(2) and 707 (pertaining to matters relating to the Higher Education Act of 1965) from, the reported bill. Thereafter, the Senate discharged from the Committee H.R. 100, a bill relating to the same subject matter as S. 1136 which had been received by the Senate and referred to the Committee on May 8, 2003, amended that bill to substitute the text of S. 1136, as amended, and approved H.R. 100, as so amended, by unanimous consent. On December 8, 2003, the House agreed to the Senate’s amendments to H.R. 100, thereby clearing the measure for the President. The President signed the bill on December 19, 2003.

S. 1136, as reported by the Committee, is summarized above. The provisions of “The Servicemembers Civil Relief Act” (Public Law 108–189, December 19, 2003) are as summarized there except with respect to the excisions noted above.

5. “The National Cemetery Expansion Act of 2003” (Public Law 108–109, November 11, 2003). On October 14, 2003, the Senate took up H.R. 1516 as reported by the Committee and, after approving a technical amendment, approved the bill by unanimous consent. On October 29, 2003, the House agreed to the Senate’s amendments of H.R. 1516, thereby clearing the measure for the President. The President signed the bill on November 11, 2003.

H.R. 1516, as reported by the Committee, is summarized above. The provisions of “The National Cemetery Expansion Act of 2003” are as summarized there.

Finally, five public laws were enacted during the First Session without formal Committee action which contain provisions relating to matters within the Committee’s jurisdiction. They are:

1. “The National Defense Authorization Act for Fiscal Year 2004” (Public Law 108–136, November 24, 2003). Public Law 108–136 was derived from H.R. 1588 as passed by the House on May 22, 2003; as passed, with an amendment in the nature of a substitute by the Senate on June 4, 2003; as agreed to and ordered reported (H. Rept. No. 108–354) by a Committee on Conference on November 7, 2003; and as agreed to by the House on November 7, 2003, and by the Senate on November 12, 2003. With respect to programs within the Committee’s jurisdiction, Public Law 108–136, which was signed by the President on November 24, 2003, specifies as follows:

A. That authority for military retirees to gain “concurrent receipt” of both retirement pay and VA compensation be phased in (section 604);

B. That current Combat-Related Special Compensation benefits be revised (section 642);

C. That the “death gratuity” paid to the survivors of certain deceased service members be increased (section 646); and

D. That a study of death benefits provided to the survivors of deceased service members be conducted by DOD (section 647).

2. “Department of Defense Appropriations Act, 2004” (Public Law 108–87, September 30, 2003). Public Law 108–87 was derived from H.R. 2658 as passed by the House on July 8, 2003; as passed, with an amendment in the nature of a substitute, as amended, by the Senate on July 17, 2003; as agreed to and ordered reported (H. Rept. No. 108–283) by a Committee on Conference on September 24, 2003; and as agreed to by the House on September 24, 2003, and by the Senate on September 25, 2003. With respect to programs within the Committee’s jurisdiction, Public Law 108–87, which was signed by the President on September 30, 2003, specifies as follows:

A. That funds be appropriated to the Center for Military Recruitment, Assessment and Veterans’ Employment (section 8106); and

B. That provisions of law limiting the Native American Veteran Housing loan program be repealed (section 8135).

3. H. Con. Res. 159, a resolution declaring Emporia, Kansas to be the founding city of Veterans Day. H. Con. Res. 159 was reported by the House Committee on Veterans Affairs on July 10, 2003, approved by the House on September 30, 2003, and was approved by the Senate on October 31, 2003.

4. S. Res. 120, marking the 25th Anniversary of the Vietnam Veterans of America. S. Res. 120 was approved by the Senate on November 25, 2003.

B. SECOND SESSION

During the Second Session of the 108th Congress, the Committee met in open session one time (on July 20, 2004), to consider legislation, and it reported five bills to the Senate which, in turn, incorporated provisions derived from 13 separate bills. Those bills were the following:

1. S. 1483 (Report No. 108–351), a bill to increase, effective December 1, 2004, the rates of compensation for veterans with service-connected disabilities and other “cash transfer” benefits by the same percentage as Social Security benefits increase using a Department of Labor-calculated estimate of the consumer price index increase during the period October 2003–September 2004.

2. S. 1153 (Report No. 108–419), the “Veterans Prescription Drugs Assistance Act”, a bill to authorize VA to provide medications prescribed by non-VA physicians to the following classes of veterans: Medicare-eligible veterans with service-connected disabilities who enroll in a separate VA prescription drug program and who agree to pay copayments covering the full cost of medications as established by VA; and Medicare-eligible veterans without service-connected disabilities who enroll in a separate VA prescription drug program and who agree to pay copayments covering the full cost of medications as established by VA, and who agree, further, to forego VA medical care for the enrollment year.

3. S. 2484 (Report No. 108–357), as amended, the “Department of Veterans Affairs Health Care Personnel Enhancement Act of 2003,” a bill to simplify and improve pay provisions for VA physicians and dentists, and to authorize alternate work schedules and executive pay for nurses as follows:

A. Provisions creating a 15-step VA pay schedule for physicians and dentists; authorizing VA to set national “pay bands” for clinical specialties and subspecialties; requiring VA to consult at least two national pay surveys before setting national pay bands; forbidding, as a general matter, “negative pay adjustments”; and providing minimal increases in salaries annually for each physician and dentist who performs satisfactorily;

B. Authorization of alternate work schedules for registered nurses;

C. Authorization of a special rate of pay for the Director of Nursing Service in VA’s Central Office; and

D. Authorization of special pay for VA hospital-based nurse executives.

4. S. 2485 (Report No. 108–358), the “Department of Veterans Affairs Real Property and Facilities Management Improvement Act of 2004,” as amended, to incorporate the following provisions:

Title I—Real Property and Facilities Matters

A. Authorization to VA to dispose of excess real property by sale, transfer or exchange, and allowance for VA to retain the proceeds from such transfers in a Capital Asset Fund to be used for non-recurring capital projects, maintenance, clean-up, or improvements of properties identified for disposal (section 101, derived from S. 2485);

B. Repeal of the requirement that VA comply with certain statutory strictures of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11411, when it disposes of excess real property, and allowance for VA to enter into real property enhanced-use leases for the benefit of the Veterans Benefits Administration and the National Cemetery Administration (section 102, derived from S. 2485);

C. Authorization for VA to use major construction project funds to construct or relocate surface parking lots if the parking construction or relocation is incidental to an underlying major construction project for which the funds have been appropriated (section 103, derived from S. 2485);

D. Termination of the Nursing Home Revolving Fund (section 104, derived from S. 2485);

E. Authorization for VA to use advance-planning funds on any construction project without notifying Congress if project has already been authorized by law (section 105, derived from S. 2485);

F. Authorization for VA to lease certain undeveloped or underutilized land of the National Cemetery Administration (section 106, derived from S. 2485);

G. Transfer to VA of certain real property in Boise, ID (section 111, original provision);

H. Designation of the VA Medical Center in Bronx, NY (section 121, derived from S. 2133);

I. Designation of a Prisoner of War/Missing in Action National Memorial at the Riverside National Cemetery in Riverside, California (section 122, derived from S. 1745); and

J. Grant to the Commonwealth of Kentucky the first option on the VA Medical Center in Louisville, Kentucky, upon its proposed disposal by VA (section 131, derived from S. 2296).

Title II—Benefits Matters

1. Prohibition of collection of copayments for certain VA-provided hospice care (section 201, derived from section 311 of S. 2486);

B. Expansion of VA authority to provide counseling and treatment for veterans suffering from sexual trauma (section 202, derived from section 321 of S. 2486);

C. Clarification of provisions relating to VA per diem payments to States for care of veterans in State Veterans' Homes (section 203, derived from S. 2327);

D. Authorization of care for newborn children of women veterans receiving maternity care in a VA facility or in a private facility under a VA contract (section 204, derived from S. 2417);

E. Establishment of centers for research, education, and clinical activities that specialize in blast injuries sustained by active duty service personnel (section 205, derived from S. 2524);

F. Extension of statutory requirement that VA's special medical advisory group issue certain reports (section 206, derived from section 321 of S. 2486), and extension of VA pilot programs that relating to long-term care (section 206, original provision); and

G. Requirement that VA report annually on waiting times for appointments for care and services (section 207, original provision).

5. S. 2486 (Report No. 108–352), the “Veterans Benefits Improvements Act of 2004,” as amended, to incorporate the following provisions:

Title I—Housing Matters

A. An increase in the maximum amount of the VA home loan guaranty, and an annual indexing of the maximum amount (Section 101, derived from section 6 of S. 2534);

B. Extension of VA authority to guarantee of adjustable rate mortgages (Section 102, derived from section 202 of S. 2486);

C. Extension and improvement of VA authority to guarantee “hybrid” adjustable rate mortgages (Section 103, derived from section 203 of S. 2486); and

D. Authorization for VA to waive collection of loan fees from veterans rated eligible for compensation based on pre-discharge rating examinations (Section 104, derived from section 204 of S. 2486).

Title II—Education Matters

A. Provisions relating to the collection of contributions for educational assistance under the Montgomery GI Bill from members of the Selected Reserve called to active duty (section 201, derived from section 104 of S. 2486);

B. Eligibility for educational assistance benefits for members of the Selected Reserve who aggregate two or more years of active duty service during any five-year period (section 202, derived from S. 2099);

C. Extension of the “delimiting period” during which survivors and dependents must claim educational assistance benefits (section 203, derived from section 4 of S. 2534); and

D. Authorization for VA to pay education benefits to beneficiaries taking national admissions exams and national exams for credit at institutions of higher education (section 204, derived from section 5 of S. 2534).

Title III—Other Matters

A. Availability of administrative and judicial redress to certain veterans denied the opportunity to compete for Federal employment (section 301, derived from section 301 of S. 2486);

B. Extension of biennial report of Advisory Committee on Former Prisoners of War (section 302, derived from section 321 of S. 2486); and

C. Modification of definition of “minority group member” for purposes of Advisory Committee on Minority Veterans (section 303, derived from section 331 of S. 2486).

No further action was taken on S. 1153 during the 108th Congress. Subject matter contained in the remaining four reported bills listed above became, or was incorporated into, the below-listed public laws that were adopted during the Second Session of the 108th Congress.

1. “The Veterans” Compensation Cost-of-Living Adjustment Act of 2004” (Public Law 108–363, October 25, 2004). A House-passed bill, H.R. 4175, which was substantially identical to S. 1483, was received by the Senate and referred to the Committee on September 7, 2004. On October 5, 2004, that bill was discharged from the Committee with the unanimous consent of the Senate and, subsequently, was amended by unanimous consent to substitute the text of S. 2483 as reported. The bill, as so amended, was then approved by the Senate by unanimous consent. On October 8, 2004, the House agreed to the Senate amendments to H.R. 4175, thereby clearing the measure for the President. The President signed the measure on October 25, 2004.

“The Veterans’ Compensation Cost-of-Living Adjustment Act of 2004” provides for a cost-of-living increase, computed by reference to a Department of Labor-calculated estimate of the consumer price index increase during the period October 2003–September 2004, in the following VA “cash transfer” benefits, effective December 1, 2004:

A. Compensation for veterans with service-connected disabilities (38 U.S.C. § 1114);

B. Additional compensation for veterans with at least a 30 percent rating of disability (38 U.S.C. § 1115(1));

C. Clothing allowance for veterans with a skin condition or who use a prosthetic or orthopedic device due to a service-connected disability (38 U.S.C. § 1162); and

D. Dependency and indemnity compensation to be paid to the surviving spouse and children of veterans who die in service or who die from a service-connected disability (38 U.S.C. § 1311, 1313 and 1314).

2. “The Veterans Health Programs Improvement Act of 2004” (Public Law 108–422, November 30, 2004). On October 9, 2004, S. 2485, as reported, was laid before the Senate and was approved, by unanimous consent, as amended to incorporate a substitute which contained original provisions and provisions derived from S. 2485, as reported, and from the following House-approved bills: H.R. 1318, H.R. 4231, H.R. 4248, H.R. 4317, H.R. 4608, H.R. 4768, and H.R. 4836. Immediately thereafter, a House-passed bill, H.R. 3936, which had been received by the Senate on July 21, 2004, and had been referred to the Committee on September 7, 2004, was discharged from the Committee, amended to substitute the text of S.

2485, as amended, and approved by the Senate by unanimous consent. On November 17, 2004, the House agreed to the Senate amendments to H.R. 3936, thereby clearing the measure for the President. The President signed the measure on November 30, 2004.

“The Veterans Health Programs Improvement Act of 2004” specifies as follows:

Title I—Assistance to Homeless Veterans

A. That authorized appropriations under the Homeless Veterans Comprehensive Assistance Act of 2001 be increased from \$75 million to \$99 million per year.

Title II—Veterans Long-Term Care Programs

A. That VA be authorized to make payments to State veterans’ homes to assist them in hiring and retaining registered nurses;

B. That per diem payments made by VA to State veterans’ homes not be used to offset or reduce other third party payments made to assist veterans;

C. That a pilot program to determine the feasibility and practicality of different models for providing long-term care be extended until December 31, 2005; and

D. That veterans being furnished hospice care be exempted from copayments otherwise applicable for extended care services.

Title III—Medical Care

A. That a VA program to provide counseling services to service members who were victims of sexual trauma be made permanent, and that eligibility for such services be extended to former Reserves and Guard members;

B. That centers for research, education, and clinical activities to improve rehabilitation services for complex multi-traumas associated with combat injuries be authorized; and

C. That VA take a series of specific actions to establish four Medical Emergency Preparedness Research Centers.

Title IV—Medical Facilities Management and Administration

A. That VA be authorized to enter into 17 specified major medical facility leases;

B. That VA be authorized to transfer by sale, exchange, or lease unneeded real property under specified procedures and subject to specified limitations;

C. That VA establish and report on a national inventory of historic VA properties;

D. That VA be authorized to acquire certain land in the District of Columbia for the provision of services to homeless veterans;

E. That VA be prohibited from implementing medical facility mission changes at specified sites without first notifying Congress;

F. That VA be authorized to use funds in a construction or capital account for the relocation of a surface parking facility if the relocation is necessitated by a construction or non-recurring maintenance project;

G. That VA be exempted from certain “notice and wait” requirements in expending Advanced Planning Funds in cases where the project in question has already been authorized by law;

H. That VA be exempted from State and local land use laws when it considers leasing real property under its “enhanced-use” leasing authority;

I. That the Commonwealth of Kentucky be afforded first option to acquire VA lands in Louisville in the event that VA elects to dispose of them; and

J. That certain VA medical facilities be designated as specified.

Title V—Personnel Administration

A. That VA establish a pilot program to study the use of outside recruitment, advertising, and communications agencies for recruiting nurses;

B. That VA be authorized to appoint blind rehabilitation specialists and blind rehabilitation outpatient specialists under title 38, United States Code; and

C. That the requirement that VA’s Under Secretary for Health be a medical doctor be repealed.

Title VI—Other Matters

A. That VA be required to enter into contracts with private entities to conduct recovery audits of fee basis contracts and other medical services contracts;

B. That VA maintain an inventory of its medical waste management activities;

C. That all individuals enrolled for VA health care be eligible to use the Veterans’ Canteen Service; and

D. That VA report annually on patient appointment waiting times for specialty and primary care services.

3. “The Department of Veterans Affairs Health Care Personnel Enhancement Act of 2004” (Public Law 108–445, December 3, 2004). On October 5, 2004, S. 2484, as reported, was laid before the Senate and was approved, by unanimous consent, as amended to incorporate a substitute which contained technical, conforming and substantive amendments. On November 11, 2004, the House approved S. 2484, thereby clearing the measure for the President. The President signed the measure on December 3, 2004.

S. 2484, as reported by the Committee, is summarized above. The provisions of The “Department of Veterans Affairs Health Care Personnel Enhancement Act of 2004” are as summarized there with one exception: the authorization of a special rate of pay to be paid to the Director of Nursing Service in VA’s Central Office was excised from the bill as enacted.

4. “The Veterans” Benefits Improvement Act of 2004” (Public Law 108–454, December 10, 2004). On October 8, 2004, S. 2486, as reported, was laid before the Senate and was approved by unanimous consent as amended to incorporate a substitute which contained original provisions and provisions derived from S. 2486, as reported, from S. 2485, as amended, from S. 1132, and from the following House-approved bills: H.R. 1716, H.R. 3936, H.R. 4175, H.R. 4345, and H.R. 4658. On November 17, 2004, the House agreed to S. 2486, thereby clearing the measure for the President. The President signed the measure on December 10, 2004.

“The Veterans” Benefits Improvement Act of 2004” specifies as follows:

Title I—Veterans Earn and Learn Act

A. That VA educational assistance benefits be paid as specified to veterans participating in on-job training and apprenticeship programs;

B. That the “delimiting period” within which eligible survivors might claim educational assistance benefits be extended;

C. That beneficiaries be eligible for educational assistance benefits to reimburse the costs of national tests required for admission to institutions of higher learning or graduate schools and for national tests that qualify students for receipt of college credit;

D. That VA, DOD and the Department of Labor coordinate the provision of information with respect to on-job training and apprenticeship programs;

E. That VA be authorized to furnish structured on-job training to claims adjudicators; and

F. That procedures be established to allow activated Selected Reserve members to “buy into” eligibility for veterans’ educational assistance benefits.

Title II—Employment Matters

A. That the period during which service members covered under the Uniformed Services Employment and Reemployment Rights Act of 1994 (“USERRA”) can elect to continue to receive employer-provided health benefits coverage be extended from 18 months to 24 months;

B. That a requirement formerly in effect that the Department of Labor provide annual reports to Congress on the disposition of cases filed under USERRA be reinstated;

C. That employers be required to provide notice to employees of the rights, benefits and obligations under USERRA;

D. That the Department of Labor and the Office of Special Counsel carry out a three-year demonstration project on enforcement of USERRA rights for Federal executive branch employees; and

E. That VA contract for a report on employment placement, retention and advancement of recently-separated veterans.

Title III—Benefits Matters

A. That DIC paid to surviving spouses be increased for a two-year period in cases where the surviving spouse has children under the age of 18;

B. That the bar preventing a veteran or survivor from applying for VA benefits if the individual had previously received compensation under the Radiation Exposure Compensation Act, Public Law 101–426, be repealed;

C. That life insurance proceeds be excluded from consideration of income for purposes of eligibility for death pension benefits;

D. That veterans who are injured as a result of negligent VA medical treatment, rehabilitation or training be eligible for specially-adapted automobile and adaptive equipment grants;

E. That death pension be paid effective the first day of the month in which the death occurred so long as a claim for such benefits is submitted within one year from the date of the veteran’s death;

F. That the statutory listing of radiation-exposure diseases that are presumed to be service-connected be expanded to include bone

cancer, brain cancer, colon cancer, lung cancer, and ovarian cancer; and

G. That the statutory listing of radiation-risk activities that give rise to a presumption of radiation exposure be expanded.

Title IV—Housing Matters

A. That eligibility for specially adapted housing grants be extended to veterans with permanent and total service-connected disabilities due to the loss, or loss of use, of both arms at or above both elbows;

B. That multifamily transitional housing projects that are funded by VA-guaranteed loans be allowed to accept uncompensated voluntary services in connection with the construction, alteration, or repair of such project;

C. That the maximum VA home loan guaranty be increased to 25 percent of the Freddie Mac conforming loan amount for a single-family residence;

D. That the maximum VA home loan guaranty amount be indexed;

E. That a VA program to guarantee adjustable rate mortgage loans be reinstated;

F. That a VA program to guarantee “hybrid” adjustable rate mortgage loans be modified and extended;

G. That fees for mortgage loan guarantees be waived for service members who are rated eligible to receive disability compensation as a result of a pre-discharge medical examinations; and

H. That a VA program for housing loans to Native Americans residing on tribal lands be extended.

Title V—Matters Relating to Fiduciaries

A. That VA be required to investigate the qualifications of persons who would serve as veterans’ fiduciaries; and

B. That procedures for the reinstatement and recovery of benefits that are misused by a veteran’s fiduciary be established.

Title VI—Memorial Affairs Matters

A. That a Prisoner of War/Missing in Action National Memorial be established at the Riverside National Cemetery in Riverside, California;

B. That VA be authorized to lease for agricultural or other purposes underutilized land or buildings administered by the National Cemetery Administration; and

C. That VA be authorized to acquire additional lands for national cemeteries by exchanging existing national cemetery land.

Title VII—Improvements to Servicemembers Civil Relief Act

A. That provisions of law relating to the Servicemembers Civil Relief Act be clarified;

B. That waivers of Servicemembers Civil Relief Act protections be in writing; and

C. That service members be allowed, under certain circumstances, to terminate residential or motor vehicle leases.

Title VIII—Other Matters

A. That the principal office of the U.S. Court of Appeals for Veterans Claims may be located at any location in the Washington, DC, metropolitan area;

B. That the requirement that the Advisory Committee on Former Prisoners of War submit an annual report to the VA Secretary be extended;

C. That veterans be provided access to administrative and judicial redress for alleged violations of rights to secure Federal employment; and

D. That VA be directed to report to Congress detailing its efforts to make veterans and service members aware of VA benefits and services to which they are entitled.

Finally, two public laws were enacted during the Second Session without formal Committee action which contain provisions relating to matters within the Committee's jurisdiction. They are:

1. "The Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005" (Public Law 108-375, October 28, 2004). Public Law 108-375 was derived from H.R. 4200 as passed by the House on May 20, 2004; as passed with an amendment in the form of a substitute by the Senate on June 23, 2004; as agreed to and ordered reported (H. Rept. No. 108-767) by a Committee on Conference on October 8, 2004; and as agreed to by the House and the Senate on October 9, 2004. With respect to programs within the Committee's jurisdiction, Public Law 108-375 specifies as follows:

A. That improved educational assistance benefits be provided to Reserves who perform active service (section 527);

B. That a report be prepared on the removal and repatriation of remains of persons interred in overseas U.S. cemeteries (section 596);

C. That the Comptroller General report on uniformed service transition assistance programs (section 598);

D. That a report be prepared on the coordination of job-training standards with certification standards for military occupational specialties (section 599);

E. That the transition to full "concurrent receipt" of retirement pay and VA compensation benefits be accelerated with respect to retirees with 100% service-connected disabilities (section 642);

F. That DOD prepare a report on veterans' disability benefits (section 666);

G. That a report be prepared relating to service members' exposures to certain environmental hazards (section 735); and

H. That a report be prepared on the potential combining of VA and DOD health care facilities (section 2811).

2. "The Department of Defense Appropriations Act for Fiscal Year 2005" (Public Law 108-287, August 5, 2004). Public Law 108-287 was derived from H.R. 4613 as passed by the House on June 22, 2004; as passed with an amendment in the nature of a substitute by the Senate on June 24, 2004; as agreed to and ordered reported (H. Rept. No. 108-622) by a Committee on Conference on July 20, 2004; and as agreed to by the House and the Senate on July 22, 2004. With respect to programs within the Committee's jurisdiction, Public Law 108-287 specifies as follows:

A. That funds be appropriated for the construction of additional "Fisher Houses" (section 8093).

B. That funds be appropriated for programs to facilitate veterans' access to construction industry employment (section 8108).

C. That Reserves called to active duty be notified of their expected mobilization period (section 8128).

III. NOMINATIONS

A. FIRST SESSION

During the First Session of the 108th Congress, the Committee met in open session two times to consider seven nominations. It reported seven nominations to the Senate with a favorable recommendation. Three of those nominations were confirmed by the Senate during the First Session of the 108th Congress.

The following table portrays the Committee's and the Senate's actions with regard to these nominations.

DEPARTMENT OF VETERANS AFFAIRS NOMINATIONS

Name and position	Date of nomination	Date of hearing	Date reported	Date confirmed
John W. Nicholson, Under Secretary for Memorial Affairs.	January 9, 2003 ...	March 4, 2003	April 10, 2003	April 11, 2003.
Cynthia R. Church, Assistant Secretary for for Public and Intergovernmental Affairs.	July 11, 2003	October 30, 2003	November 21, 2003.	
Robert N. McFarland, Assistant Secretary (Information Technology).	October 14, 2003	October 30, 2003	November 21, 2003.	
Gordon H. Mansfield, Deputy Secretary of Veterans Affairs.	November 3, 2003	November 21, 2003.	

U.S. COURT OF APPEALS FOR VETERANS CLAIMS

Name and position	Date of nomination	Date of hearing	Date reported	Date confirmed
Bruce E. Kasold, Judge	January 7, 2003 ...	March 4, 2003	April 10, 2003	December 9, 2003.
Alan G. Lance, Judge	January 7, 2003 ...	June 17, 2003	November 21, 2003.	
Lawrence B. Hagel, Judge	February 14, 2003	June 17, 2003	November 21, 2003.	December 9, 2003.

B. SECOND SESSION

During the Second Session of the 108th Congress, the Committee met in open session two times to consider five nominations. It reported five nominations to the Senate with favorable recommendations. In addition, four nominations that had been reported by the Committee with favorable recommendations during the First Session of the 108th Congress were confirmed by the Senate during the Second Session of the 108th Congress.

The following table portrays the Committee's and the Senate's actions with regard to these nominations.

DEPARTMENT OF VETERANS AFFAIRS NOMINATIONS

Name and position	Date of nomination	Date of hearing	Date reported	Date confirmed
Cynthia R. Church, Assistant Secretary for Public and Intergovernmental Affairs.	July 11, 2003	October 30, 2003	November 21, 2003.	January 22, 2004.

DEPARTMENT OF VETERANS AFFAIRS NOMINATIONS—Continued

Name and position	Date of nomination	Date of hearing	Date reported	Date confirmed
Robert N. McFarland, Assistant Secretary (Information Technology).	October 14, 2003	October 30, 2003	November 21, 2003.	January 22, 2004.
Gordon H. Mansfield, Deputy Secretary of Veterans Affairs.	November 3, 2003	November 21, 2003.	January 22, 2004.
Pamela M. Iovino, Assistant Secretary for Congressional Affairs.	January 28, 2004	April 1, 2004	May 20, 2004	November 20, 2004.
R. Allen Pittman, Assistant Secretary for Human Resources and Administration.	June 17, 2004	September 30, 2004.	October 6, 2004 ...	November 20, 2004.

U.S. COURT OF APPEALS FOR VETERANS CLAIMS

Name and position	Date of nomination	Date of hearing	Date reported	Date confirmed
Alan G. Lance, Judge	January 7, 2003 ...	June 17, 2003	November 21, 2003.	November 20, 2004.
Robert N. Davis, Judge	March 26, 2003 ...	April 1, 2004	October 6, 2004 ...	November 20, 2004.
Mary J. Schoelen, Judge	March 12, 2004 ...	September 30, 2004.	October 6, 2004 ...	November 20, 2004.
William A. Moorman, Judge	September 21, 2004.	September 30, 2004.	October 6, 2004 ...	November 20, 2004.

IV. BUDGET FOR VETERANS' PROGRAMS

A. FIRST SESSION

On March 6, 2003, pursuant to the requirements of section 301(d) of the Congressional Budget Act of 1974, the Chairman and the Ranking Minority Member of the Committee submitted a letter to the Budget Committee reflecting the Committee's views and estimates on the Administration's proposed fiscal year 2004 budget for veterans' programs.

With respect to overall funding for VA in fiscal year 2004, the Administration had recommended a total funding level of \$62.860 billion for fiscal year 2004, a \$2.5 billion increase over funding levels for fiscal year 2003. The Committee's views and estimates letter recommended a \$1.02 billion over the Administration's request or a total spending increase of \$3.52 billion over fiscal year 2003 levels.

With respect to medical care funding levels within VA discretionary accounts, the Administration requested \$28.370 billion in funding, an increase of \$2.074 billion over fiscal year 2003 levels. The views and estimates letter recommended an increase of \$831 million over that funding request, and an increase in medical care appropriations of \$1.041 billion. That recommendation was rooted in Committee's position that it would decline during 2003 to enact three policy proposals advanced by the Administration that would have generated revenues and savings estimated by VA to be \$1.035 billion. Those policy proposals would have eliminated VA authority to provide nursing home care to veterans other than those having service-connected disabilities rated at 70 percent or higher; imposed a \$250 annual "enrollment fee" on so-called "Priority 7" and "Priority 8" veterans seeking VA medical care services; and in-

creased copayments charged to certain veterans receiving prescription medications from \$7 to \$15 per prescription.

With respect to VA's non-medical care benefits programs, the Administration requested total budget authority of \$34.144 billion for mandatory and discretionary costs associated with VA benefit programs for fiscal year 2004, an increase of \$434 million over fiscal year 2003 levels. The views and estimates letter recommended an additional \$183 million above the Administration's request, \$53 million in discretionary funding (to maintain employee levels for compensation and pension program administration at fiscal year 2003 levels and to increase funding for national cemeteries), and \$130 million in mandatory funding (to increase educational assistance benefits provided to survivors and dependents of service members who had died, or were severely injured, as a result of service).

On March 21, 2003, the House approved H. Con. Res. 95, the fiscal year 2004 budget resolution. On March 26, 2003, the Senate amended H. Con. Res. 95 to incorporate the provisions of S. Con. Res. 23 as approved by the Senate on March 26, 2003. On April 10, 2003, the Senate and House Committees on the Budget issued a conference report (H. Rept. No. 108-71) approving a budget resolution (H. Con. Res. 95) which was approved by the House and Senate on April 11, 2003. The resolution did not direct the Committee to report changes in laws within the Committee's jurisdiction reducing outlays for veterans' programs.

B. SECOND SESSION

On March 4, 2004, pursuant to the requirements of section 301(d) of the Congressional Budget Act of 1974, the Chairman and the Ranking Minority Member of the Committee submitted a letter to the Budget Committee reflecting the Committee's views and estimates on the Administration's proposed fiscal year 2005 budget for veterans' programs.

With respect to overall funding for VA in fiscal year 2005, the Administration recommended a total funding level of \$67.325 billion, \$32.073 for programs funded with discretionary accounts and \$35.252 billion for programs funded from mandatory accounts. The Committee's views and estimates letter recommended an additional \$1.579 billion above the Administration's request for discretionary account programs and an additional \$40 million above the Administration's request for mandatory account programs.

With respect to medical care funding levels within VA discretionary accounts, the Administration requested \$26.747 billion in medical care appropriations, an increase of \$308 million over the fiscal year 2004 funding level. The views and estimates letter recommended an appropriations increase of \$2.1 billion and a collections increase of \$256 million above fiscal year 2004 levels. In addition, the Committee's letter recommended relatively modest increases in appropriations for VA major and minor medical construction funding (an additional \$23 million to \$605 million), and in VA medical research program funding (an additional \$55 million over fiscal year 2004 levels to \$460 million).

With respect to VA's non-medical care benefits programs funded from VA discretionary accounts, the Administration requested total budget authority of \$1.542 billion for expenses associated with the administration of the Veterans Benefits Administration (VBA) and

for general administration. For administration of the National Cemetery Administration, the Administration requested total budget authority of \$149 million, and for cemetery construction, \$113 million. The views and estimates letter recommended an additional \$58 million above the President's request for administration of VBA and general administration, and an additional \$40 million above the President's request for NCA.

With respect to mandatory account spending, the Administration requested total mandatory account spending authority of \$35.2 billion for VA non-medical benefit programs. The Committee's views and estimates letter recommended an increase of \$40 million above that amount for fiscal year 2005 (and \$223 million for fiscal years 2005—2009) and \$317 million (for fiscal years 2005—2014) to facilitate the enactment of needed increases in VA dependency and indemnity compensation benefits.

On March 12, 2004, the Senate approved S. Con. Res. 95, the fiscal year 2005 budget resolution. On March 29, 2004, the House amended S. Con. Res. 95 to incorporate the provisions of H. Con. Res. 393 as approved by the House on March 25, 2004. On May 19, 2004, the Senate and House Committees on the Budget issued a conference report (H. Rept. No. 108–498) approving a budget resolution (S. Con. Res. 95) which was approved by the House on May 19, 2004. The conference report was not approved by the Senate.

